



**NORTHAMPTON LICENSE
COMMISSION
DECEMBER 2, 2009
Minutes**

*Commission Chairman Brad Shimel, Commissioner William Rosen,
Commissioner Stephanie Levin*

Chairman Shimel opened the meeting at 4:00 p.m. on the following items:

**1. APPLICATION FOR ANNUAL WINE AND MALT RESTAURANT
LIQUOR LICENSE AND FOR WEEKDAY ENTERTAINMENT LICENSE**

Eclipse 186 Main, LLC

Owner: Jean M. Weller

Premises Address: 186 Main Street, Northampton

Description of Proposed Entertainment: Background Dinner Music (Live). Jazz
and classical guitar.

Jean Weller, owner, and Emma Donoghue, manager were present for the application.
Ms. Donoghue is scheduled to attend ServSafe class on December 7, 2009.

There were no residents present to oppose the applications.

**Commissioner Levin moved approval of the application for Annual Wine and Malt
Restaurant license, contingent upon the owner and manager completing a TIPS or
ServSafe certification within 60 days. Commissioner Rosen seconded. The vote
passed unanimously (3-0).**

**Commissioner Shimel moved approval of a 16C Finding; Commissioner Levin
seconded. The vote passed unanimously (3-0).**

**Commissioner Levin moved approval of the Weekday Entertainment license;
Commissioner Shimel seconded. The vote passed unanimously (3-0).**

**2. APPLICATION FOR COMMON VICTUALLER LICENSE, ANNUAL
WINE AND MALT RESTAURANT LIQUOR LICENSE AND WEEKDAY
ENTERTAINMENT LICENSE**

HOUBA CORP d/b/a GULU-GULU CAFÉ

Owner: Steven Feldmann

Premise Address: 33 Main Street, Northampton

Proposed Opening Date: January 2010

Description of proposed entertainment: Live Music, MP3, CDs, Video via
projector, Spoken Word

REQUEST TO POSTPONE TO JANUARY 6, 2010

The Clerk explained that, due to an email error, Mr. Feldmann did not receive the abutters' list in time to send and gain return receipts to attend this meeting. This has been corrected, and Mr. Feldmann will be ready to attend the January 2010 meeting.

**3. UPDATE OF LIQUOR LICENSE INSPECTIONS – Anthony Patillo,
Building Commissioner and Larry Therrien, Fire Inspection**

Mr. Therrien reported that 26 liquor licensees are in compliance, or just under 50% of those in need of certificates of inspection. Most remaining have minor issues and will be re-inspected within the next week or two.

4. NEW BUSINESS –

- *Application for Short Term Wine & Malt -Academy of Music Theatre*
Reception VIP "The Nutcracker" December 10 – 5:00-8:00 pm
Production of "A Christmas Carol" December 17, 18, 19 – 6:00-10:00 pm

Gail Yacuzzo was present for the application. It was determined that the first event on the application does not need a license, as the event is private. Ms. Yacuzzo also requested a fee waiver.

**Commissioner Levin moved approval of the application with a fee waiver;
Commissioner Rosen seconded. The vote passed unanimously (3-0).**

Ms. Kathy Robinson, 38 Maple Street, Florence, asked the Commission how to file a complaint. She stated that she believes the Side Street Café is not in compliance with their Weekday Entertainment license restrictions. Commissioner Shimel stated that any resident can ask for a hearing, and to please write a letter with specific concerns to the Clerk.

- *Application for Class III Car Dealer License Transfer- Nella, LLC to Richard Huntley & Sons, 254 Easthampton Road*

Attorney Ed Etheredge and Richard Huntley, owner, were present for the application.

Commissioner Shimel moved approval of the transfer of Class III Car Dealer license; Commissioner Levin seconded. The vote passed unanimously (3-0).

The Clerk asked the Commission whether to charge for a 2009 license, given this late date?

Commissioner Shimel moved to waive the fee for the 2009 license; Commissioner Rosen seconded. The vote passed unanimously (3-0).

The Clerk explained that Burger King sent in the renewal fee for a Weekday Entertainment license for a television – this is not needed, and the Clerk will return the check with explanation.

The Clerk explained that Green Street Café requested a payment plan of the \$1,000 final conversion fee for renewal of the liquor license. There are no payment plans for renewals. Commissioner Rosen recused himself from the conversation.

➤ ***Request – Side Street Café – St. Patrick's Day Wed March 17, 2010***

The Commission asked the Clerk to request the owner of Side Street Café attends a future meeting for this request.

The Clerk explained that an interested business owner asks if a Seasonal Wine and Malt Restaurant license can be obtained if there is no Common Victualler license on the premise? The Commission stated that there must be a Common Victualler license for this type of liquor license. The Clerk will notify the interested business owner of this response.

The Commissioners and the Clerk went over the liquor licenses and quota system (See attached). Presently, there are two available Annual Wine and Malt Restaurant licenses. The Eclipse application above is for one; the Gulu-Gulu application coming up at the January 2010 meeting is for the second.

5. APPROVAL OF MINUTES OF NOVEMBER 4, 2009

Commissioner Rosen stated that a correction should be made on page 4, second paragraph, to state “He doubts that **police** would let others drive off under the influence...” The Clerk will correct the November minutes.

Commissioner Rosen moved approval of the amended minutes; Commissioner Shimel seconded. The vote passed unanimously (3-0).

At 4:50 p.m., Commissioner Levin moved to adjourn, and was seconded by Commissioner Shimel. The vote passed unanimously (3-0).

The next meeting is January 6, 2010 at 4:00 p.m.

*Respectfully submitted,
Mary L. Midura
Executive Secretary*

2 WM RESTAURANT
AVAILABLENORTHAMPTON LICENSE COMMISSION

REPORT OF 2009 ACTIVITY

The Northampton License Commission issued the following number of licenses in the following classes during 2009:

<u>Class</u>	<u>Fee</u>	<u>Number</u>
Package Goods WM	1,000	7 — OVER BY 1
Package Goods AA	1,870 under 5,000 sq.ft. 2,330 over 5,000 sq.ft.	9 > OVER BY 4 1
Restaurant WM	1,520	QUOTA = 6 27* — 2 AVAILABLE*
Special Wine & Malt	1,520	1 — NOT IN QUOTA
Restaurant AA	2,215	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> 25 6** 3 3 </div> OVER BY 4 NOT IN QUOTA 1 GOP AA - C.144 1 VET'S CLUB
General On Premise AA	2,215	
Club AA	1,235	
Innholders AA	2,215	
Seasonal AA Restaurant	1,520	3
Seasonal WM Restaurant	1,405	6
Seasonal AA Club	775	1
TOTAL LICENSES		92 (AS OF 10/28/09)

*Chapter 494 of the Acts of 2004 allowed for conversion of any issued Seasonal Wine & Malt Restaurant license to an Annual Wine & Malt Restaurant License

23 PER C.494 / NOT
1 SPECIAL WM / IN
QUOTA

**Chapter 144 of the Acts of 2008 allowed for conversion of an issued Seasonal All Alcoholic Restaurant license to an Annual All Alcoholic Restaurant License

1 GOP AA / NOT
1 VET'S CLUB / IN
QUOTA

* APPLICATION REC'D 11/17/09 @ 11:15 AM
STEVEN FELDMANN, GULU - GULU CAFE
33 MAIN ST.

* APPLICATION REC'D 11/20/09 @ 12:10 PM
ECLIPSE, 186 MAIN ST.